

The Honorable MARY JO HESTON
Chapter 7 Proceeding
Tacoma, Washington

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In Re:

RACHEL DEANGELIS,

Debtor,

Bankruptcy Case No.: 20-42483

Adversary Case No.:

Mark D. Waldron, Ch. 7 Trustee for
the Estate of Rachel Deangelis

Plaintiff,

vs.

Daniel Roberts, individually and on behalf
of Bethany Roberts (deceased); individually
and the marital community composed
thereof,

Defendants.

**COMPLAINT TO SELL CO-OWNED
PROPERTY**

COMES NOW Mark D. Waldron, Trustee ("Trustee"), the duly appointed and acting
Chapter 7 Trustee for the Bankruptcy Estate of Deangelis ("Debtor"), and for his
Complaint to Sell Co-Owned Property, states as follows:

PARTIES

1. Trustee is the duly qualified and acting Chapter 7 Trustee of the bankruptcy
estate of Debtor, Rachel DeAngelis.



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2 Defendant, Daniel Roberts, who is believed to hold the interest of Daniel Roberts and Bethany Roberts, deceased, is an individual who may be served with process in this action by mailing by first class mail, postage prepaid, a true and correct copy of this Complaint and Summons to his address of 1328 Hensley St. NE, Olympia, WA 98516.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to the provisions of 28 U.S.C. §§ 1334 and 157. This matter constitutes a “core” proceeding within the meaning of 28 U.S.C. § 157(b)(2).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409 because the Debtor's Chapter 7 bankruptcy proceeding is pending in this district and the causes asserted herein arise under Title 11 or arise in or are related to a case under Title 11.

FACTS

6. On October 31, 2020 (the “Date of Bankruptcy”), Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

7. Trustee is the duly appointed and acting Chapter 7 Trustee of the Debtor's
bankruptcy estate.

8. Prior to the Date of Bankruptcy, Debtor and Defendant were co-owners of a single parcel of residential real property located at 1328 Hensley St. NE, Thurston County, Washington, further described in the Statutory Warranty Deed dated August 25, 2017 and recorded in the Thurston County, Washington Records on August 25, 2017, a true copy of which is attached hereto and incorporated herein by reference as Exhibit "A" (the "Co-Owned Property").



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1 9. As of the date of the bankruptcy, Debtor owned a one-half (1/2) interest in the
2 Co-Owned Property and each Defendant owned a one-quarter (1/4) interest in the
3 Co-Owned Property.

4 10. Debtor's one-half interest in the Co-Owned Property is property of the
5 bankruptcy estate pursuant to 11 U.S.C. § 541(a).

6 11. Defendant Daniel Roberts now owns the other half interest in this property.

7 12. Trustee seeks an order of this Court authorizing the sale of the estate's interest
8 and the co-owners' interest in the Co-Owned Property.

9 **COUNT 1 - SALE OF CO-OWNED PROPERTY 11 U.S.C. § 363(h)**

10 13. Trustee hereby incorporates all of the foregoing and ensuing allegations as if
11 fully set forth herein.

12 14. Pursuant to 11 U.S.C. § 363(h) Trustee seeks an order authorizing the sale of
13 both the estate's interest and the interest of any co-owner in the Co-Owned Property.

14 15. Partition in kind of the Co-Owned Property among the estate and the co-owners
15 is impracticable and legally impossible since this is a single family residence on a single
16 parcel of land.

17 16. The sale of the estate's undivided interest in such property would realize
18 significantly less for the estate than sale of such property free of the interests of the
19 co-owners.

20 17. The benefit to the estate of a sale of such property free of the interests of the
21 co-owners outweighs the detriment, if any, to the co-owners.

22 18. The Co-Owned Property is a residential real property and not used for the
23 production, transmission, or distribution, for sale, of electrical energy or of natural or
24 synthetic gas for heat, light, or power.



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1 19. Trustee meets all of the requirements of § 363(h) of the Bankruptcy code to sell
2 the Co-Owned Property.

3 **COUNT 2 - COSTS AND EXPENSES OF SALE 11 U.S.C. § 363(h)**

4 20. Trustee hereby incorporates all of the foregoing and ensuing allegations as if
5 fully set forth herein.

6 21. Pursuant to § 363(j) of the Bankruptcy Code, Trustee seeks an order
7 authorizing Trustee to charge the Defendants co-owners with their share of the costs and
8 expenses of selling the Co-Owned Property.

9 **CONCLUSION**

10 WHEREFORE, Trustee prays that he be authorized to sell the Co-Owned Property,
11 including the estate's interest and the interest of all Defendant co-owners pursuant to the
12 provision of 11 U.S.C. § 363(h), that he be authorized to charge the Defendant
13 co-owners with their share of the costs and expenses of the sale pursuant to the
14 provisions of 11 U.S.C. § 363(j) and that Trustee be granted such other and further relief,
15 at law or in equity, to which Trustee may be justly entitled.

16 DATED this 9th day of June, 2021.

17
18 Law Offices of Mark D. Waldron, PLLC

19 /s/ Mark D. Waldron
20 MARK D. WALDRON (WSBA #9578)
21 Attorney for Trustee
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